



AF/IFW

Dkt. 30448.77USD1/SBA/HVR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Adam J. Katz et al.

Serial No: 10/797,371

Examiner: Laura M. Mitchell, Ph.D.

Filed: March 9, 2004

Group Art Unit: 1636

Title: ADIPOSE DERIVED STEM CELLS AND LATTICES

55 South Lake Avenue, Suite 710
Pasadena, California 91101
August 27, 2007

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES AND
PETITION FOR THREE-MONTH EXTENSION OF TIME**

In accordance with 37 C.F.R. §1.191, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of the pending claims of the above-identified application, as set forth in the Office Action mailed February 26, 2007.

The required fee for filing this Notice of Appeal as set forth under 37 C.F.R. §41.20(b)(1) for small entity is \$250.00. Accordingly, Applicants enclose a check including the amount of \$250.00 to cover the required fee as set forth under 37 C.F.R. §41.20(b)(1).

Applicants are also requesting a three-month extension of time to respond to the final rejection, thereby extending said period of response from May 26, 2007 to August 26, 2007. The fee for a three-month extension of time for small entity is \$510.00. Enclosed is a check including the amount of \$510.00 to cover the extension fee as set forth under

08/31/2007 TNGUYEN2 00000036 10797371

02 FC:2253

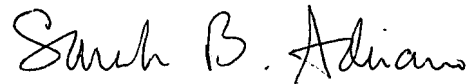
510.00 OP

Applicant: Adam J. Katz et al.
U.S. Serial No.: 10/797,371
Filed: March 9, 2004
Page: 2

37 C.F.R. §1.17(a)(3). Since August 26, 2007 fell on a Sunday, a response filed the next business day, namely, Monday, August 27, 2007, is considered timely. Accordingly, this Notice is being timely filed.

No fee, other than the \$760.00 fee (including \$250.00 for the Notice of Appeal and \$510.00 for the three-month extension of time), is deemed necessary in connection with the filing of this Notice. If any other fees are necessary, the Patent Office is authorized to charge any additional fees to Deposit Account No. 50-0306.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah B. Adriano". The signature is written in dark ink and is positioned above a horizontal line.

Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Mandel & Adriano
55 S. Lake Avenue, Suite 710
Pasadena, CA 91101
(626) 395-7801
Customer No. 26,941